

EXHIBIT 4

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOHN P. “JACK” FLYNN
LESLIE A. FLYNN,

Case: 1:21-cv-02587-AS-SLC

Plaintiffs,

- against -

CABLE NEWS NETWORK, INC.,

Defendant.

**DECLARATION OF FUZZ HOGAN IN SUPPORT OF CNN’S MOTION FOR
SUMMARY JUDGMENT**

I, Fuzz Hogan, declare as follows:

1. I am over the age of eighteen, am a resident of Washington, D.C., and am competent to make this declaration. I have personal knowledge of the statements set forth below. I submit this declaration in support of the motion by defendant Cable News Network, Inc. (“CNN”) for summary judgment in this action (the “Motion”).

2. I am a Senior Director for Standards and Practices at CNN. I have been in my current position since August 2023. During the time period relevant for this action, I was a Senior Editor on “the Row” at CNN. The Row is CNN’s department providing editorial oversight, which may include ensuring consistency in style and language choices, proper attribution, confirming factual accuracy, reviewing supporting material, and approving sources. I was a Senior Editor on the Row between January 2020 and August 2023.

3. I was the Row editor assigned to review the CNN report at the center of this lawsuit, which first aired on CNN Tonight at 10:45 PM ET¹ on February 4, 2021, and was titled “Watch CNN Go Inside a Gathering of QAnon Followers” (the “Report”). A true and correct copy of the Report, CNN002006, is attached as **Exhibit 1** to the Declaration of Katherine M. Bolger in support of the Motion (“Bolger Declaration”). All further references to “**Exhibit _**” in this declaration refer to the numbered exhibits attached to the Bolger Declaration.

4. I believed the Report was fair and accurate at the time it was published, and I believe that the creation and publication of the Report did not depart from the standards of care associated with responsible journalism.

Background in Journalism

5. I have over thirty years of journalism and editorial experience, the majority at CNN.

6. I graduated from Northwestern University in 1987 with a Bachelor of Arts (B.A.) in English. I also received a master’s degree in journalism from Northwestern in 1990.

7. I started my career at CNN in 1987 and held various positions at the network over the years, including writer, producer, and investigative unit executive producer. From 2004 to 2005, I served as director of coverage for CNN’s national desk, where I was responsible for the oversight of the network’s national desk and newsgathering. From 2005 to 2008, I served as Midwest Bureau Chief and was responsible for coordinating CNN coverage from the network’s bureaus in Chicago and Dallas, as well as a 14-state region.

8. Between 2009 and 2010, I was the director of communications for the education advocacy organization, Advance Illinois.

¹ All timestamps referred to in this declaration are in ET, unless otherwise noted.

9. Between 2010 and 2013, I served as an executive producer at Planet Forward, a media project of the School of Media and Public Affairs at George Washington University that focused on compiling innovative ideas in energy and sustainability, where I managed all editorial content ranging from stories to television broadcasts to social media. In this position, I served as executive producer of a PBS one-hour special titled “Planet Forward: The Energy of Innovation.”

10. From 2013 to 2020, I served as the managing editor for New America, a Washington, D.C.-based think tank, where I oversaw the editorial, events, and communications departments. In this position, I was responsible for ensuring that New America’s editorial content supported the policy goals of the organization’s programs.

11. In 2002, I won a Peabody award as part of my co-executive producer role of CNN’s “Terror on Tape” series, which also won the Overseas Press Club David Kaplan Award. In 2005, I oversaw the National Desk’s coverage of Hurricane Katrina, which also earned the network a Peabody Award.

12. In 2020, I rejoined CNN as Senior Editor on the Row. I held that position until August 2023, when I became a Senior Director for Standards and Practices.

The Row

13. The Row is the editorial department within CNN. It is one of the three independent departments, along with Standards and Practices and Legal, that are referred to in shorthand as the Triad at CNN. The Row provides editorial oversight at CNN.

14. Although there is no strict formula mandating when the Row reviews a story, in general, the Row reviews and approves sensitive and investigative stories; those that are controversial; those that raise serious questions; and those that allege wrongdoing. CNN reporters and editors determine when a story they are covering necessitates review by the Row.

15. In my role as senior editor on the Row, I review certain reporting to ensure its editorial soundness. This may include fact-checking, reviewing supporting material, approving sources, and confirming style and language choices to ensure that any assertions made are fair and accurate.

16. Donie O'Sullivan, who prepared the Report, fully complied with the Row's review process in putting together the Report, and I had no reason to doubt, either at the time of publication or now, that the Report was fair and accurate.

My Role on the Report

17. I was the Row editor who reviewed the Report. My colleague, a researcher for the Row, also reviewed the Report with me, but I supervised that researcher and was primarily responsible for the Row's review. I received the Report for review along with my colleagues Emma Lacey-Bordeaux (Standards and Practices) and Steve Kiehl (Legal).

18. At the time, I was the Row editor who typically reviewed Mr. O'Sullivan's stories and television news packages that were sent to the Row. I was aware that Mr. O'Sullivan had extensively reported on the intersection of politics and online misinformation and disinformation, conspiracy theories, social media, and QAnon specifically. I trusted Mr. O'Sullivan's knowledge regarding QAnon and knew him to be a meticulous and diligent reporter with significant expertise on QAnon.

19. It is my understanding that Mr. O'Sullivan prepared the Report himself, including by writing the script and identifying the primary videos, photographs, and elements to be included in the Report.

20. I understood the Report to primarily relate to Mr. O'Sullivan's reporting from an October 2020 QAnon convention in Scottsdale, Arizona, called Q Con Live!. I did not consider

the Report to be a piece of investigative or longform journalism. Mr. O’Sullivan had discovered as part of his reporting that some of the individuals that attended Q Con Live! later took part in the January 6, 2021 attack on the Capitol. I agreed with Mr. O’Sullivan that the Report’s subject was newsworthy.

21. I do not specifically remember the process I followed in approving Mr. O’Sullivan’s attendance at Q Con Live!. But I know that as a standard practice, the Row would have ensured that CNN journalists complied with an event’s media policy, and I have no reason to believe we departed from our usual standard of care.

22. On the afternoon of February 4, 2021, I was provided with the draft script for the Report, which referenced the main elements that Mr. O’Sullivan intended to include in the Report. In my position as senior editor on the Row, it is standard that I am sent news stories or packages for review on the same day that they are published or aired. That timing is simply a product of the fast-paced news business.

23. The Report script included a reference to a clip from a video that General Michael Flynn posted on July 4, 2020, on Twitter (“Oath Video”) in which he and his family members recited the QAnon slogan, “Where We Go One, We Go All.”

24. I fact-checked several aspects of the Report and its context by conducting independent research based on online sources, CNN reporting, and other publicly available information, and confirming factual bases with Mr. O’Sullivan. I confirmed that the purpose of Q Con Live! was a QAnon gathering. The Report identifies two individuals by name as attendees at both Q Con Live! and at the January 6 Capitol Attack – Alan Hostetter and Jacob Chansley, widely known as the QAnon Shaman. I also confirmed with Mr. O’Sullivan that those individuals were in fact at both of those events.

25. At the time of the Report, I was also already aware from public reporting of QAnon that “Where We Go One, We Go All” was a common QAnon slogan. I was aware that the slogan appeared on merchandise, like clothing, flags, and stickers, and it was sold at QAnon events. When I reviewed the Report, I already knew from public reporting that “Where We Go One, We Go All” was a phrase used by those who supported QAnon, and at the time of the Report, it was a phrase most commonly associated with the QAnon movement.

26. Because Mr. O’Sullivan scripted its use in the Report, I also reviewed the portion of the Oath Video in which General Flynn recited the QAnon oath “Where We Go One, We Go All” while holding up his hand. I was already familiar with the fact that seven months earlier, in July 2020, General Flynn and his family members, including Plaintiffs Jack and Leslie Flynn (“Jack” and “Leslie”), had recited verbatim the same oath that had appeared in an online post by the Q persona, known as a “Q Drop,” as part of the online #TakeTheOath movement.

27. I was also already aware that General Flynn had then posted that same video with his family members on Twitter in July 2020. I was aware of and had reviewed the widespread reporting by news outlets at the time that General Flynn and those pictured in the video had recited the QAnon slogan “Where We Go One, We Go All.” I was familiar with CNN’s prior reporting on the Oath Video, specifically, the July 7, 2020, article by my CNN colleague Marshall Cohen titled “Michael Flynn posts video featuring QAnon slogans.” I was aware that in that article, Mr. Cohen included General Flynn’s lawyer Sidney Powell’s statement that the slogan originated from President John F. Kennedy’s bell, which was itself a piece of QAnon misinformation. I had reviewed this prior reporting and believed it to be fair and accurate, and it is my understanding that Mr. O’Sullivan was familiar with this reporting as well. A true and correct copy of Marshall Cohen’s July 7, 2020, CNN article is attached as **Exhibit 92**.

28. I was also aware from social media and widespread public reporting that General Flynn and Jack had posted content supportive of QAnon online, including but not limited to the Oath Video.

29. Given that seven months had passed since the Oath Video, as part of my review I confirmed that neither General Flynn, nor Jack and Leslie, nor any of the other Flynn family members pictured had corrected, retracted, or distanced themselves from the Oath Video in any way which, to my knowledge, they had not.

30. I understand that Jack and Leslie contend that CNN should have shown the “God Bless America” portion of the Oath Video. But I did not have any editorial concerns that the Report only relied on a portion of the Oath Video in which General Flynn recited “Where We Go One, We Go All.” As an initial matter, almost all CNN video news packages include edited video clips; it would be impossible to put together a video package without a journalist exercising editorial judgment in selecting and compiling clips. It is routine journalistic practice to select the most newsworthy and relevant clip from a longer video to use in reporting.

31. Moreover, the Report script relating to the clip was a fair and accurate representation of both the clip and the Oath Video as a whole and did not show Jack or Leslie doing anything offensive. The Report script stated in reference to this clip, “Where we go one we go all . . . an infamous QAnon slogan . . . promoted by Trump’s first national security adviser Michael Flynn . . . and played as an anthem at this meeting of Trump supporters [Q Con Live!].” Each aspect of this script was fair and accurate. Based on widespread reporting at the time, “Where We Go One, We Go All” was an infamous QAnon slogan. In July 2020 and in the following months, it was widely reported that General Flynn, the former National Security Adviser, had promoted the slogan “Where We Go One, We Go All.” And according to the Q Con Live! footage

that Mr. O’Sullivan included in the Report script, a song including the lyrics “Where We Go One, We Go All” was played at Q Con Live!, a QAnon gathering. In sum, Mr. O’Sullivan exercised his editorial judgment to select the newsworthy aspect of the clip from the Oath Video and use it in exactly the same context General Flynn had posted it.

32. It was clear to me that Mr. O’Sullivan was simply stating a matter of fact: General Flynn had promoted a slogan (again, in a video he himself publicly posted on social media) that was also closely associated with QAnon. I had no reason to doubt that Mr. O’Sullivan fairly and accurately used a clip of the Oath Video in the Report.

33. I did not see any need for Mr. O’Sullivan to seek comment from Jack, Leslie, General Flynn, or other Flynn family members regarding the Report. The Report was not about Jack or Leslie. It did not allege that Jack or Leslie, or any other member of the Flynn family, had committed any wrongdoing or that they were followers of QAnon. Nor did the Report mention Jack or Leslie’s name, use their voices, or mischaracterize Jack or Leslie’s actions in any way. Instead, the Report simply used a clip of the Oath Video that Jack’s brother and Leslie’s brother-in-law had posted to Twitter seven months earlier, that had been widely reported upon as a QAnon oath, and that had not been corrected or retracted by Jack, Leslie, or their family. General Flynn’s lawyer had already provided comment on the same video in July 2020 that was only further steeped in QAnon. Given that the Report was presenting the Oath Video in exactly the same way as Jack, Leslie, and their family had presented it, and which had been widely reported on for several months, from the perspective of the Row, there was no need to seek comment from Jack, Leslie, General Flynn, or the other Flynn family members.

34. Other than my review of the Report for the Row, at approximately 8:41 PM on February 4, 2021, Tiffany Anthony, a producer assigned to the Report, asked me how we should

display the font credits for the Oath Video from General Flynn's Twitter, since he had been "banned" in the wake of the post-January 6 Capitol Attack social media crackdown on QAnon associated accounts. Ms. Anthony proposed that we use "Twitter/Michael Flynn July 2020." I approved that fonting decision. I was already aware that General Flynn had been banned from Twitter after January 6 based on his account's promotion of QAnon content. The fact that General Flynn had been banned from Twitter in the post-January 6 QAnon crackdown only further confirmed for me that the Report fairly and accurately used the Oath Video. A true and correct copy of my emails with Ms. Anthony, CNN001014, are attached as **Exhibit 25**.

35. I did not review the final video of the Report prior to airing because the Report script did not raise any flags in my review for the Row. That is fully consistent with my standard review process of video packages for the Row. If I am able to confirm the editorial standards have been met and the factual accuracy of the claims made and elements included in a video package based on a script, there is no need for me to also review the final video. I had no concerns that the final video of the Report would raise any issues of accuracy.

36. It is my understanding that when it aired, the Report was accompanied by a banner on the lower third of the screen stating, "CNN goes inside a gathering of QAnon followers" (the "Chyron"). I had no involvement in creating or reviewing the Chyron, nor do I know who created it. This is consistent with general practice at CNN at the time the Report was prepared.

37. I have since reviewed the Report as it aired with the Chyron, and I believe the Chyron to be a fair and accurate summary of the Report. I understand that in this litigation, Jack and Leslie claim that the Report called them "QAnon followers" based solely on the Chyron. I do not agree with this claim. At the time I reviewed the Report, I had no reason to believe that the Report called Jack, Leslie, General Flynn, or any other member of the Flynn family a "QAnon

follower.” It was clear to me from reviewing the script that the Report focused on Q Con Live!, a “gathering of QAnon followers” in Arizona in October 2020. Having seen the as-aired version of the Report, I still maintain this position. If considered on its own terms and within the context of the Report, the Chyron plainly reflects Mr. O’Sullivan’s reporting – “CNN goes inside” – from Q Con Live! – “a gathering of QAnon followers.” I do not agree that the Report calls Jack or Leslie a QAnon follower simply because the Chyron is displayed for the approximately two seconds that they appear, soundless, on screen. Nor do I think that any reasonable viewer would reach that conclusion.

38. I stand by the Report fully. I had no reason to doubt, nor do I now, that the Report was in line with the Row’s editorial standards. I had no reason to believe, nor do I now, that Mr. O’Sullivan exercised any bias against General Flynn, Jack, Leslie, or anyone else in the Report. Having since reviewed the Report as it aired with the Chyron, I maintain this view. I believed then, and believe now, that the Report was fair and accurate.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 6 JULY, 2023

A handwritten signature in black ink, consisting of a stylized 'F' followed by a horizontal line.

Fuzz Hogan